

03/06/2006 16:55 FAX 13124635001

BANNER & WITCOFF

032/032

12/05/2005 16:47 FAX 13124635001

BANNER & WITCOFF

001

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 2501  
RECIPIENT ADDRESS 1988#011738#00149#15712738300  
DESTINATION ID  
ST. TIME 12/05 16:38  
TIME USE 08'54  
PAGES SENT 27  
RESULT OK

DEC 5 PM 4:53



**BANNER & WITCOFF, LTD.**  
INTELLECTUAL PROPERTY LAW

10 SOUTH WACKER DRIVE, SUITE 3000  
CHICAGO, ILLINOIS 60606

TEL: 312.463.5000  
FAX: 312.463.5001  
www.bannerwitcoff.com

### FACSIMILE TRANSMITTAL SHEET

**TO:**  
U.S. Patent And Trademark Office

**FROM:**  
Binal J. Patel

**COMPANY:**  
Mail Stop AMENDMENT

**DATE:**  
December 5, 2005

**FAX NO.:**  
571-273-8300

**TOTAL NO. OF PAGES: (Including cover sheet)**  
27

**YOUR REFERENCE NO.:**

**OUR REFERENCE (C/M) NO.:**  
011738.00149

**RE:** Filing Of Response/Amendment and 1 month extension of time For U.S. Serial No.  
10/687,344  
Application Of Osorio, et al.  
Filed October 15, 2003  
Title: Screening Techniques For Management Of A Nervous System Disorder

*If you do not receive all page(s) or have any problems receiving this transmission, please call:*

**NAME:**  
Kathy Kessling

**PHONE:**  
312-463-5505

**COMMENTS:**

BEST AVAILABLE COPY

RECEIVED  
CENTRAL FAX CENTER

MAR 06 2006

TEN SOUTH WACKER DRIVE, SUITE 3000  
CHICAGO, IL 60606-7407TEL: 312.715.1000  
FAX: 312.715.1234  
www.bannerwitcoff.comBANNER & WITCOFF, LTD.  
INTELLECTUAL PROPERTY LAW

## FACSIMILE TRANSMITTAL SHEET

To:

USPTO

FROM:

S Sheldon

COMPANY:

MS: AMENDMENT

DATE:

3/6/06

FAX NUMBER:

571-273-8300

TOTAL NO. OF PAGES:

28 - 32

YOUR REFERENCE No.:

OUR REFERENCE (C/M) No.:

01738.00149

RE:

If you do not receive all page(s) or have any problems receiving this transmission, please call:

NAME:

Klessing

PHONE:

312-463-5505

COMMENTS:

Response to Notice of  
Non-Compliance Award

IMPORTANT/CONFIDENTIAL: This message is intended only for the use of the individual or entity to whom it is addressed. This message contains information from the law firm of BANNER & WITCOFF, LTD. which may be privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, retention, archiving, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our offices at no cost to you.

CHICAGO

WASHINGTON, D.C.

BOSTON

PORTLAND, OR



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1150  
www.uspto.gov

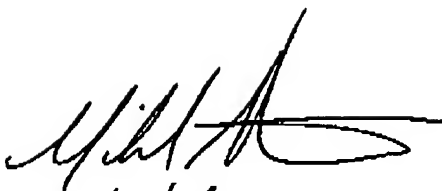
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,344	10/15/2003	Ivan Osorio	011738.00149	7817
22908	7590	02/24/2006	EXAMINER	
BANNER & WITCOFF, LTD. TEN SOUTH WACKER DRIVE SUITE 3000 CHICAGO, IL 60606			ASTORIO, MICHAEL C	
			ART UNIT	PAPER NUMBER
			3736	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

11738.00149  
**DOCKETED**  
NOT. OF NON-COMPLIANCE  
MAR 01 2006 REC'D.  
Resp. Due: 3/26/06  
**RECEIVED**  
DOCKETING  
BANNER & WITCOFF

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)	
	10/687,344	OSORIO ET AL.	
	Examiner	Art Unit	
	Michael C. Astorino	3736	

  
Michael Astorino  
571-272-4723

Continuation Sheet (PTOL-324)

Application No.

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 09 November 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings:

- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).  
☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.  
☐ C. Other \_\_\_\_\_

☐ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims) of each claim cannot be identified. NOTE: Use status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).  
☐ C. The claims of this amendment paper have not been presented in ascending numerical order.  
☐ D. Other: \_\_\_\_\_

☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

The response was submitted by fax. The faxed document received including the claims and response was of poor quality. Specifically, certain characters were missing from the documents. The applicant should re-file the response by mail or from a fax machine that will transmit the document properly.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or  
**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Part of Paper No. 0610

U.S. Patent and Trademark Office  
PTOL-324 (01-06)

Notice of Non-Compliant Amendment (37 CFR 1.121)

USPTO  
TO: Auto-reply fax to 13124635001 12/5/2005 5:51 PM PAGE 1/001 Fax Server  
COMPANY:


## Auto-Reply Facsimile Transmission



TO: Fax Sender at 13124635001  
Fax Information  
Date Received: 12/5/2005 5:41:08 PM [Eastern Standard Time]  
Total Pages: 27 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

12/05/2005 16:31 FAX 13124635001		BANNER & WITCOFF		005/032	
 <b>BANNER &amp; WITCOFF, LTD.</b> INTELLECTUAL PROPERTY LAW		10 SOUTH WACKER DRIVE, SUITE 3000 CHICAGO, ILLINOIS 60606 TEL: 312.463.5000 FAX: 312.463.5001 www.bannerwitcoff.com			
<b>FACSIMILE TRANSMITTAL SHEET</b>					
<b>TO:</b>		<b>FROM:</b>			
U.S. Patent And Trademark Office		BRIAN J. PATEL			
<b>COMPANY:</b>		<b>DATE:</b>			
Mail Stop AMENDMENT		December 5, 2005			
<b>FAX NO.:</b>		<b>TOTAL NO. OF PAGES (including cover sheet):</b>			
671-273-8300		27			
<b>YOUR REFERENCE NO.:</b>		<b>OUR REFERENCE (CNR) NO.:</b>			
		011736.00148			
<b>RE:</b> Filing Of Response/Amendment and 1 month extension of date For U.S. Serial No. 18487,344 Application Of Charles, et al. Filed October 15, 2003 Title: Screening Techniques For Management Of A Nervous System Disorder					
If you do not receive all page(s) or have any problems receiving this transmission, please call:					
<b>NAME:</b>		<b>PHONE:</b>			
Kathy Kamling		312-463-5305			
<b>COMMENTS:</b>					
<small>           Copyright 2005. All rights reserved. No part of this communication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without prior written permission from Banner &amp; Witcoff, Ltd. If you have received this communication in error, please notify us immediately at our telephone number listed above. We will be happy to arrange for the return of this message to our office at no cost to you.         </small>					
CHICAGO	WASHINGTON, D.C.	BOSTON	PORTLAND, OR		
PAGE 1/27 * RCVD AT 12/05/2005 5:41:08 PM [Eastern Standard Time] * SVR:USPTO-EFAX-671 * DNIS:2738300 * CSID:13124635001 * DURATION (mm-ss):28-18					

P1 2/6B/21 (09-04)


Approved for use through 07/31/2008. JMB 0851-0031

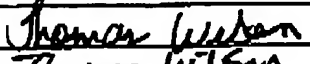
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/887,344	<b>RECEIVED CENTRAL FAX CENTER MAR 6 2006</b>
	Filing Date	October 15, 2003	
	First Named Inventor	Osorio, et al.	
	Art Unit	3738	
	Examiner Name	Michael C. Astorino	
Total Number of Pages in This Submission	Attorney Docket Number	011738.00149	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover sheet
<b>Remarks:</b> The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 19-0733. A duplicate of this sheet is enclosed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Binal J. Patel		
Date	December 5, 2005	Reg. No.	42,065

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Thomas Wilson	Date	December 5, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8198 and select option 2.


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

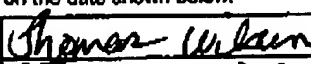
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTC 158/21 (09-04)  
 Use through 07/31/2006. (VIB 0851-0031)

<b>TRANSMITTAL FORM</b>	Application Number	10/687,344	<b>RECEIVED CENTRAL FAX CENTER MAR 06 2006</b>
	Filing Date	October 15, 2003	
	First Named Inventor	Osorio, et al.	
	Art Unit	3736	
	Examiner Name	Michael C. Astorino	

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover sheet
<b>Remarks:</b> The Commissioner is authorized to charge any fees in connection with this correspondence to Deposit Account No. 19-0733. A duplicate of this sheet is enclosed.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Banner & Witcoff, LTD.		
Signature			
Printed Name	Binal J. Patel		
Date	December 5, 2005	Reg. No.	42,065

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature		Date	December 5, 2005
Typed or printed name	Thomas Wilson		

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (12-04v2)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Approved for use through 7/31/2006. OMB 0851-0032  
 valid OMB control number.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a

Effective on 12/09/2004.  
 Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4816).

# FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 320.00

Complete if Known

Application Number 10/687,344  
 Filing Date October 15, 2003  
 First Named Inventor Osorio, et al.  
 Examiner Name Michael C. Astorino  
 Art Unit 3736  
 Attorney Docket No. 011738.00149

RECEIVED  
 CENTRAL FAX CENTER  
 MAR 06 2006

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 19-0733 Deposit Account Name: Banner & Witcoff, LTD.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments  
 Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

<b>Fee Description</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee(\$)</b>
<b>Fee Paid (\$)</b>	<b>Multiple Dep</b>	<b>endent Claims</b>
<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_

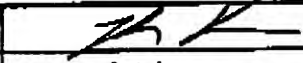
### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for One Month Extension of Time

120.00

## SUBMITTED BY

Signature  Registration No. 42,065 Telephone 12-463-5000  
 Name (Print/Type) Binal J. Patel Date December 5, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 20 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.